

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

JOHN ALAN COFFEY,
CYNTHIA ANN COFFEY,

Case No. 12-08172-PMG

Debtors.

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS AND
TO STRIP JUNIOR LIEN ON DEBTOR'S PRINCIPAL RESIDENCE**

This case came on for consideration of Debtor's Motion to Determine Secured Status and to Strip Junior Lien on Debtor's Principal Residence. Pursuant to Local Rule 2002-4, the debtors served the Motion on all interested parties, and no interested parties have filed a response within the thirty (30) day time period allowed. Therefore, it is

ORDERED:

1. Debtor's Motion to Determine Secured Status and to Strip Junior Lien on Debtor's Principal Residence is granted.
2. The Court finds that the Plaintiff's homestead property has no equity to secure the second mortgage. The property is encumbered by a valid first mortgage, held by BMO Financial Group [formerly Marshall & Ilsley Bank], in the amount of \$240,000.00 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.
3. The real property (the "Real Property") that is subject of the proceeding is located at 11699 Autumn Creek Drive, Jacksonville, FL 32258, and more particularly described as follows:

**LOT 34, SWEETWATER CREEK SOUTH UNIT TWO WEST,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN
PLAT BOOK 53, PAGES 62, 62A THROUGH 62K, INCLUSIVE, OF THE
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.**

4. The mortgage held by PHH Mortgage Corporation recorded on August 7, 2007, at Book 14123, Pages 1196 through 1205, Instrument No. 2007253659 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 7 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of PHH Mortgage Corporation's lien prior to the entry of the Debtor's discharge.

DATED this 25 day of October, 2013 at Jacksonville, Florida.

Paul M. Glenn

PAUL M. GLENN
United States Bankruptcy Judge

Attorney, Candyce M. King, is directed to serve a copy of this Order on interested parties and file a Proof of Service within three (3) days entry of this Order.

RECORDED FOR THE DEPT. OF REVENUE
FOR THE DEPT. OF REVENUE TO RECORD
JACKSONVILLE DIVISION
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